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BINGHAM MCCUTCHEN LLP

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PATENT
Docket No. TC 2002.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate by Facsimile

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, attention Examiner Keith Hendricks, facsimile number (703)-308-3959, on May 22, 2003.

By:

Handwritten signature: Peggy Nichols

Peggy Nichols

In re Application for:

ROSS, Reynolds Paul, et al.

Serial No.: 09/720,382

Filing Date: March 7, 2001

For: A SPRAY-DRIED BACTERIOCIN
POWDER WITH ANTI-MICROBIAL
ACTIVITY

Examiner: Hendricks, Keith

Group Art Unit: 1761

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RESPONSE TO NOTICE AND AMENDMENT AND RESPONSE TO FINAL ACTION

Mail Stop AF
Commissioner for Patents
P.O. BOX 1450
Arlington, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Notice to Comply issued by the U.S. Patent and Trademark Office and the Final Office Action issued by the U.S. Patent and Trademark Office on November 25, 2002, each in connection with the above-identified application. A response to the Notice and Action run from the original due date of February 25, 2003. On April 25, 2003 a two month extension of time was requested and paid for by Applicants, thereby extending the deadline to respond to April 25, 2003. Enclosed herewith is a Petition for an additional One Month Extension of Time and authorization to charge the fee due to the undersigned's Deposit Account, thereby extending the deadline to May 25, 2003. In view of the filing of this Petition

and payment of the fee, a response is now due May 25, 2003. Applicants also attach hereto a Notice of Appeal and authorization to charge the fee due to the undersigned's deposit account. In view of the filing of the enclosed Notice and payment of the fee, the deadline to place the application in condition for allowance or take other action is now July 25, 2003. Accordingly, this response is timely filed.